

## **REMARKS**

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

## **STATUS OF CLAIMS AND REQUEST FOR RECONSIDERATION**

Claims 1, 3, 4, 7 and 9-20 are now pending in this application. The amendment to claims 1, 12 and 13 are in response to the interpretation of the claims given the Examiner as expressed in the interview of 8 July 2009. New claims 14-20 have been added to encompass narrower embodiments of the invention and present alternative positions for Appeal (the reference to lamellar mesophases can be found on page 2, paragraph [0022] of the publication of this application.) No new matter has been added by this amendment.

With regard to the “evidence” presented with the final rejection response, *Fiedler Encyclopedia of Excipients for Pharmaceuticals, Cosmetics and Related Areas* (6<sup>th</sup> edition), page 568, (2007) and “Introduction to Liquid Crystals”, these references represent basic information well known to those of skill in the state of the art. Contrary to the SPE/Examiner’s assertion, the applicants still believe the references were unnecessary to be cited in an IDS as the Examiner is presumed to be representative of one of ordinary skill in the art. However, in order to expedite prosecution, an IDS is being submitted herewith.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

**CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
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